

Common Fisheries Policy: behaviours seriously infringing the rules

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This Commission report, the fifth to be prepared by the Commission on CFP infringements, refers only to cases where CFP provisions have been seriously breached and for which a file was opened in 2004.

The report finds that the total number of cases reported to the Member States stands at 9 660, which is slightly higher than in 2003. This is probably due to that fact that the number of Member States with sea-fisheries interests has increased by seven. In fact, the number of serious infringements detected by the new Member States in 2004 represents 2.7% of the total. (258 cases were reported in Cyprus, Estonia, Latvia and Poland).

76% of infringements have been detected by Spain, Italy and Portugal – but these countries are also the ones with the largest number of vessels. Unauthorised fishing accounts for 22% of cases, while storing, processing, placing for sale and transporting fishery products not meeting the marketing standards in force accounts for 19% of all infringements. Fishing without holding a licence accounts for 14% of all infringements. These figures are similar to those recorded for 2003. The Commission notes that only 60 cases of all infringements, throughout the Community, concerned tampering with the Vessel Monitoring System.

The fines applied by the Member States, range from EUR 48 to EUR 13 099. This means that the average fine imposed across the EU in the proceedings that ended with a penalty in 2004 stood at EUR 2 272 – less than half the average fine imposed in 2003. The Commission warns that this down trend is not a positive development. In other developments the report notes that the procedures used (both administrative and criminal) for sanctioning CFP infringements are lengthy - eight to twelve months being the norm. In spite of frequent Commission requests, the Member States are still not forwarding details on the species most affected by serious infringements.

In its conclusions, the Commission remarks that the situation, compared to the previous year, has not improved. Although statistics show that 10% of all vessels have received sanctions the amount paid in fines is minimal compared to the commercial advantages of fishing illegally. Current practice runs the risk that the fishing industry may put penalties imposed for infringement down to ordinary running cost and they see no real incentive to be compliant. The Commission is concerned that the penalties imposed on offenders do not act as a real deterrent.

The Commission, therefore, calls on the Member States to amend their legislation accordingly. As a general rule, the value of the catches on board should be taken into consideration when imposing penalties. Although the Member States are free to adopt procedures that they deem to be the most appropriate, the Commission restates its view that an administrative sanction is a very effective incentive for compliance. The report notes that whilst some Member States are making use of this possibility, the vast majority of Member States are not yet using this option.